

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF DOUGLAS

JPA #92-66

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF DOUGLAS, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, The CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of new traffic signals and/or highway lighting at the following location:

US 666B at 5th Street - MP 0.38

Project #666B CH 0 HX013_01C F016-2-504

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The CITY shall furnish and install the following items associated with the signal installation in accordance with the latest revisions of the Arizona Department of Transportation Traffic Signal and Highway Lighting Systems Standard Drawings and Standard Specifications for Road and Bridge Construction:

- a. Design Signal, and
- b. Install Pole Foundations, and
- c. Install Controller Cabinet Foundation, and
- d. Install Pullboxes, and
- e. Install Conduits With Wire Pulls, and
- f. Arrange for Electrical Service, and
- g. Reimburse State for 50% (estimated at \$30,000) of the aboveground construction costs.

2. The STATE shall:

- a. Furnish and install aboveground signal hardware and conductors, and
- b. Make the signal operational.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals and/or highway lighting are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

5. The provisions of A.R.S. §35-214 are applicable to this Agreement.

6. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

7. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

8. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: Charles J. Estor
State Traffic Engineer

DATE: April 01, 1993

ATTEST:

CITY OF DOUGLAS

BY: Elizabeth N. Ames

Elizabeth N. Ames
City Clerk

TITLE: Mayor

DATE: November 16, 1992

NO. 17487
FILED WITH SECRETARY OF STATE
Date Filed 04/15/23
Richard Mahoney
Secretary of State
By Vincent J. Greenwald

TELEPHONE 364-7501



425 TENTH STREET

THE CITY OF DOUGLAS
CITY HALL
DOUGLAS, ARIZONA 85607

C E R T I F I C A T I O N

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Douglas, Arizona, held on the 8th Day of April 1992. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21 of December 1992.

-SEAL-


CITY CLERK

CONSTRUCTION - TRAFFIC SIGNALS


Project #666B CH 0 HX013 01C F016-2-504

US 666B at 5th Street - MP 0.38

CITY OF DOUGLAS

RESOLUTION

BE IT RESOLVED on this 26th day of May, 19 92, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona, that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF DOUGLAS, for the installation of traffic signals and/or highway lighting. Traffic signals have been approved on the basis of a traffic signal needs study. Essentially, the Agreement establishes that the STATE is to furnish and install aboveground signal equipment and conductors and that the CITY OF DOUGLAS will design the new signal and/or highway lighting, install underground material, and reimburse the STATE 50% (estimated at \$30,000) of project costs for materials and labor necessary to complete the installation of these signals. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



for CHARLES E. COWAN, Director

ARIZONA DEPARTMENT OF TRANSPORTATION

The next item on the agenda was discussion/decision on third reading of Ordinance No. 598 repealing Ordinance No. 434 and establishing a meet and confer process between the City and certain city employees. Motion was made by Councilman Quinonez, seconded by Councilwoman Shannon to place Ordinance No. 598 on third reading by number and title only. on roll call, everybody voted yes, Mayor Ames said yes and proceeded to read Ordinance 598. There was brief discussion and motion was made by Councilman Ames, seconded by Councilman Arzate to accept third reading of Ordinance 598. On roll call, everybody voted yes, the mayor concurred and declared Ordinance 598 adopted.

The next item on the agenda was discussion/decision on approval of Resolution 92-003, authorizing the submission of an amendment to Commerce CDBG Contract #153-90 and authorizing the Mayor to sign a contract amendment. Motion was made by Councilwoman Shannon, seconded by Councilman Quinonez to approve Resolution 92-003. Councilman Jordan inquired if this issue had been consulted with SEAGO and City Clerk Stevens informed that it had and stated for the record that no one from the public had contacted the City for or against the amendment. Mayor Ames proceeded to read Resolution 92-003 in full. Roll call was taken on the motion and everybody voted yes, the mayor concurred and motion carried.

Mayor Ames proceeded to the next item on the agenda which was discussion/decision on approval of Resolution 92-004 requesting the Arizona Department of Transportation to authorize transportation assistance funds pursuant to section 28-2602, Arizona Revised Statutes. Motion was made by Councilwoman Shannon, seconded by Councilman Ames to approve Resolution 92-004. Mayor Ames proceeded to read Ordinance 92-004 in full. On roll call, everybody voted yes, Mayor Ames concurred and motion passed.

The next agenda item was discussion/decision on approval of proposal from the Arizona Department of Transportation regarding the construction of traffic signals on west 5th Street and Pan American Avenue. Stuart Jean addressed the Council and explained he had attended a meeting in Tucson and addressed this item with Mr. Thomas Schmitt of ADOT. After brief discussion, motion was made by Councilwoman Shannon, seconded by Councilman Ames to instruct City Manager to enter into an IGA regarding the 5th Street and Pan American Avenue traffic signal. On roll call, everybody voted yes, except Councilman Quinonez.

Next was agenda item discussion/decision on proposal from the I.D.A. regarding a revolving fund for downtown revitalization. There was some discussion on this issue, with Mr. Jordan stating

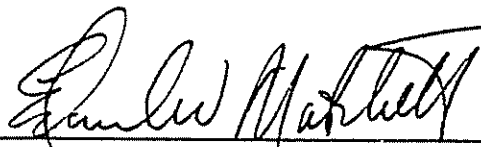
EXHIBIT "B"

APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the CITY OF DOUGLAS and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 16th day of November, 19 92.

CITY OF DOUGLAS

BY: 
City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

GRANT WOODS
ATTORNEY GENERAL


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-0582-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 9th day of April, 1993.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

7969/41